

**Remarks/Arguments**

In the specification, paragraph [0106] of the published version of the application has been amended to reflect the drawing correction suggested by the examiner. Applicant respectfully submits that the amendment to the specification adds no new subject matter.

In amended Figure 1 the worm and worm gear arrangement already described in the original specification in paragraph [0106] of the published version of the application is now shown. Applicant respectfully submits that the correction to the drawing adds no new subject matter.

Claims 65-77 remain in this application. Examiner has acknowledged that claims 65-70 are directed to allowable subject matter.

Claims 76 and 77 were objected to as being unpatentable under 35 U.S.C. 103(a) over Stecklein in view of Kempthorne (Fig. 1). Without prejudice applicant has amended claims 76 and 77 by adding the additional limitation:

“said fixed shaft being adjustably mounted to said housing so that said fixed shaft can be rotated into various fixed positions;”

into each of the claims. Applicant submits that the addition of this limitation, which is not in any way described or suggested by Stecklein or Kempthorne, removes any question of obviousness to one having ordinary mechanical skill in the art at the time of the filing of the parent case of this continuation.

Claims 71-75 were objected to under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 105 of U.S. patent No. 6,241,493. U.S. Patent No. 6,241,493 and the instant application have the same inventor (Turner) and the same owner (Spherical Machines, Inc.). Accordingly a terminal disclaimer is hereby filed and is included to this mailing as well as the fee outlined under 37 CFR 120(d). Applicant submits that this disclaimer overcomes the objection to claims 71-75.

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Applicant respectfully requests that a timely Notice of Allowance be issued on this case.

Respectfully submitted,

M. A. ERVIN & ASSOCIATES

By M. A. Ervin

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**Attachments**

Application No. 09/801,972  
Amendment dated May 21, 2004  
Reply to Office Action of February 2, 2004

**CERTIFICATE OF MAILING 37 CFR 1.10**

I certify that this correspondence is deposited, on the date set below, with the United States Postal Service as Express Mail under the mailing label set forth below, and addressed to:

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Date 5/21/2004

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